

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KENNETH SAUNDERS, JR.,
Plaintiff

Case No. 1:10-cv-836

Barrett, J.

vs

BARAK OBAMA, et al.,
Defendants

REPORT AND
RECOMMENDATION

Plaintiff, a California resident, filed a motion to proceed *in forma pauperis* in connection with a lawsuit against President Barak Obama, Secretary of State Hilary Clinton, Secretary of Homeland Security Janet Napolitano, United States Attorney General Eric Holder, and 17 other defendants. (Doc. 1).

On December 3, 2010, the Court ordered plaintiff to resubmit his application to proceed *in forma pauperis* with information about his spouse's income and assets. (Doc. 2). The Court noted that it must consider the income and assets of plaintiff's spouse in assessing his application to proceed *in forma pauperis*. See *Reynolds v. Crawford*, No. 1:01-cv-877, 2009 WL 3908911 (S.D. Ohio Nov. 17, 2009). See also *Muhammad v. Louisiana Attorney Disciplinary Bd.*, No. 09-3431, 2009 WL 3150041, at *1 (E.D. La. Sept. 25, 2009); *Jones v. St. Vincents Health System*, No. 3:07-cv-177, 2007 WL 1789242, at *1-2 (M.D. Fla. June 19, 2007); *Fridman v. City of New York*, 195 F. Supp.2d 534, 537 (S.D.N.Y.), *aff'd*, 52 Fed. Appx. 157 (2d Cir. 2002); *Montiel v. Wyndham Anatole Hotel*, No. 3:03-CV-1813-L, 2003 WL 22595820, at *1 (N.D. Tex. Nov 6, 2003); *Mann v. Frank*, No. 90-1122, 1992 WL 219800, at *4 (W.D. Mo. Sept. 2, 1992); *Bender v. Defense Logistics Agency*, No. 90-858, 1990 WL 96185, at *1 (E.D. Pa. July 3, 1990); *Monti v. McKeon*, 600 F. Supp. 112, 114 (D. Conn. 1984); *Williams v. Spencer*, 455 F. Supp.

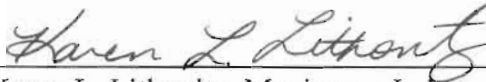
205, 208-09 (D. Md. 1978).

In response to the Court's Deficiency Order, plaintiff states that his "spouse declines to have her earnings posted. As dictated to her rights as a[n] injured spouse and a non-participant." (Doc. 5 at 2).¹

In the absence of any information concerning the assets and income of plaintiff's spouse, the Court cannot conclude that plaintiff is a pauper entitled to proceed without prepayment of fees in this matter.

IT IS THEREFORE RECOMMENDED that plaintiff's motion for leave to proceed *in forma pauperis* be **DENIED**, and that plaintiff be ordered to pay the full filing fee of \$350.00 if he wishes to proceed with his complaint.

Date: 12/28/2010


Karen L. Litkovitz, Magistrate Judge
United States District Court

¹Plaintiff's response also indicates he owns several stocks. However, he fails to identify the value of such stocks and states that his investments have been "frozen" by the State of Ohio Child Support Enforcement Agency to collect past due child support.

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file **specific**, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on **timely** motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).